

1980930-03

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

HUISACHE HOLDINGS, LLC

Plaintiff,

V.

**TRAVELERS CASUALTY INSURANCE
COMPANY OF AMERICA**

Defendant

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CIVIL ACTION NO. 5:23-CV-01506

**DEFENDANT TRAVELERS CASUALTY INSURANCE COMPANY OF AMERICA’S
NOTICE OF REMOVAL**

Defendant TRAVELERS CASUALTY INSURANCE COMPANY OF AMERICA, (“Travelers” or “Defendant”), files its Notice of Removal of this action from the 73rd Judicial District Court, Bexar County, Texas to the United States District Court for the Western District of Texas, San Antonio Division, the Court for the District and Division encompassing the place where the lawsuit is currently pending. In support of this removal, Defendant relies upon the Appendix filed in support of Defendant’s Notice of Removal filed contemporaneously herewith and shows the following:

**I.
INTRODUCTION**

1. On November 3, 2023, Plaintiff Huisache Holdings, LLC filed its original petition in the 73rd Judicial District Court, Bexar County, Texas captioned *Huisache Holdings, LLC v. Travelers Casualty Insurance Company of America*, Cause Number 2023CI23775 (the “State Court Action”).

2. Citation for the State Court Action was served on Travelers on November 9, 2023.

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II. BASIS FOR REMOVAL

3. This Court has original jurisdiction over the State Court Action, pursuant to 28 U.S.C. §1332(a), because it is a civil action between citizens of different states where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs.

4. The Plaintiff seeks monetary relief of over \$1,000,000.00. *See* Exhibit “B” at par. 5, page 2. Accordingly, the amount in controversy in this matter meets and exceeds the federal jurisdictional minimum of \$75,000, exclusive of interest and costs.

5. Plaintiff at the time of the filing of this action was, has been at all times since, and still is a limited liability company organized to do business in Texas. For diversity purposes, the citizenship of a limited liability company is determined by the citizenship of all of its members. *See Pramco, LLC ex rel. CFSC Consortium, LLC v. San Juan Bay Marina, Inc.*, 435 F.3d 51 (1st Cir. 2006); *Handelsman v. Bedford Village Assocs. Ltd. P'ship*, 213 F.3d 48 (2nd Cir. 2000); *Gen. Tech. Applications, Inc. v. Exro Ltda*, 388 F.3d 114 (4th Cir. 2004); *Homfeld II, L.L.C. v. Comair Holdings, Inc.*, 53 Fed. Appx. 731 (6th Cir. 2002); *Wise v. Wachovia Securities, LLC*, 450 F.3d 265 (7th Cir. 2006); *GMAC Commer. Credit LLC v. Dillard Dep't Stores, Inc.*, 357 F.3d 827 (8th Cir. 2004); *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894 (9th Cir. 2006); *Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C.*, 374 F.3d 1020 (11th Cir. 2004).

6. A search of available public records reveals that Plaintiff filed a Certificate of Formation of Limited Partnership on February 4, 2013, with the Secretary of State for the State of Texas. *See* Exhibit “C” (Certificate of Formation). Under this filing, the citizenship of the individual member of Plaintiff is listed as San Antonio, Texas. This filing lists one member, Casey A. Lange, whose address is listed as 1008 Canterbury Hill, San Antonio, Texas 78209.

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7. The members of Plaintiff identified in its 2023 and 2022 Texas Franchise Tax Public Information Reports are Casey Lange, whose address is listed as 1008 Canterbury Hill, San Antonio, Texas 78209. See Exhibit “D”.

8. There are no names identified in Secretary of State records filed by or on behalf of Plaintiff that reside outside of San Antonio, Texas.

9. Based on exhaustive research of available information and upon information and belief, Plaintiff and its members are citizens and residents of Texas.

10. It is clear from available public records that there are no persons or entities who own or control Plaintiff in Connecticut. Defendant Travelers Casualty Insurance Company of America at the time of the filing of this action, at the time of this removal, at all relevant times since and is currently, a citizen of the State of Connecticut because it is a Connecticut corporation with its principal place of business in the State of Connecticut. Further, the principal place of business of Travelers Casualty Insurance Company of America is in Connecticut, which is the state where its “nerve center” is located.

11. This action may be removed to this Court pursuant to 28 USC §1441(a), which allows for the removal of any civil action brought in the state court of which the District Courts of the United States have original jurisdiction, by the defendant or the defendants, to the District Court of the United States for the district and division embracing the place where such action is pending.

12. This Notice of Removal is filed within thirty (30) days after service on Defendant of the State Court Action. This Notice of Removal is also being filed within one year of the filing of Plaintiff’s Original Petition by which the State Court Action was commenced. This Notice, therefore, is timely filed pursuant to 28 USC §1446(b).

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**III.
PROCEDURAL REQUIREMENTS**

13. In accordance with 28 USC §1446 (D), Defendant will promptly give written notice of this Notice of Removal to Plaintiff through counsel of record and file a copy of this Notice of Removal in the 73rd Judicial District Court, Bexar County, Texas.

14. Defendant reserves the right to amend or supplement this Notice of Removal.

15. The following are included in the Appendix filed contemporaneously with this Notice of Removal:

Exhibit A: State Court Docket Sheet

Exhibit B: Plaintiff's Original Petition

Exhibit B-1: Citation issued to Defendant

Exhibit B-2: Return of Service

Exhibit B-3: Defendant's Original Answer

Exhibit B-4: Defendant's Jury Demand

Exhibit B-5: State Court Notice of Filing

Exhibit C: Certificate of Formation of Huisache Holdings, LLC

Exhibit D: 2023 and 2022 Texas Franchise Tax Public Information Report

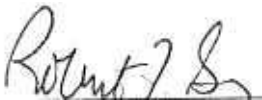
For the above reasons, Defendant gives notice of the removal of the State Court Action to this Court and respectfully requests that this action proceed before this Court as though it had originally been instituted in this Court.

Dated: December 7, 2023

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Respectfully submitted,

BROCK ♦ GUERRA
STRANDMO DIMALINE JONES, P.C.
17339 Redland Road
San Antonio, Texas 78247-2304
(210) 979-0100 Telephone
(210) 979-7810 Facsimile

By: 
ROBERT F. SCHEIHING
State Bar No. 17736350
bscheihing@brock.law

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document has been forwarded to the following counsel of record via email in compliance with the Federal Rules of Civil Procedure this 7th day of December 2023:

William T. Jones, Jr.
Timothy A. Bearb
Green Klein Wood & Jones
408 E. 7th Street
Houston, TX 77007

Email: bjones@greentriallaw.com
tbearb@greentriallaw.com


ROBERT F. SCHEIHING